

ROBERT WINCHELSEY AND THE CROWN

1294—1313

A study in the defence of ecclesiastical liberty

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CAMBRIDGE UNIVERSITY PRESS

CAMBRIDGE

LONDON NEW YORK NEW ROCHELLE

MELBOURNE SYDNEY

PUBLISHED BY THE PRESS SYNDICATE OF THE UNIVERSITY OF CAMBRIDGE
The Pitt Building, Trumpington Street, Cambridge, United Kingdom

CAMBRIDGE UNIVERSITY PRESS

The Edinburgh Building, Cambridge CB2 2RU, UK
40 West 20th Street, New York NY 10011-4211, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
Ruiz de Alarcón 13, 28014 Madrid, Spain
Dock House, The Waterfront, Cape Town 8001, South Africa

<http://www.cambridge.org>

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First published 1980
First paperback edition 2002

A catalogue record for this book is available from the British Library

ISBN 0 521 22963 4 hardback
ISBN 0 521 89397 6 paperback

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INTRODUCTION

In the often-told drama of the challenge to universal papal claims by the emerging 'nation-states' of the west it is Philip the Fair and his agents who hold the centre-stage, first with Boniface VIII, and later, by contrast, with Clement V. The king of England and the archbishop of Canterbury play relatively minor rôles in this story of bitter confrontation and papal submission. But it would be misleading to see the events and issues which embroiled Archbishop Winchelsey with Edward I and Edward II as a sub-plot to the main, Franco-papal, struggle. The conflict is a separate and largely independent drama, changed, certainly, by relations with France and by new papal decrees and new papal policies, but developing, in essentials, from the primary concern of all parties with local traditions and rights, whether of the English Crown or of the English clergy. Fundamental questions about the ultimate control of Church property and the allegiance of churchmen lie at the heart of the Franco-papal dispute, and they undoubtedly form, too, the backdrop to the story to be told here; but our eyes must be fixed not so much upon the Roman Church, with its legislative autonomy and its claims of overriding authority, as upon English conditions and English customs.¹ This is, as we shall see, in no way to deny the outstanding importance of the papacy for England, or of England for the papacy. It is simply to insist that the study of the defence of the English Church's liberty and the study of the political career of Robert Winchelsey must begin and end in England. If we comprehend the aims and actions of Winchelsey vis-à-vis the Crown, we may also comprehend some of the main political, and legal, elements in the pope's binding relations with both the king and the *Ecclesia Anglicana*.

This is not a book about political or legal theory, though the

¹ See Gray, 'Canon law in England'.

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powerful influence of political and legal principles is an underlying assumption throughout.² Much has been written – and will be written – about the ecclesiastical views of the later thirteenth and fourteenth centuries.³ As we well know, the conflicts between *sacerdotium* and *regnum* were certainly not only, even if essentially, ideological, and they were certainly not limited to learned circles. Any attempt to understand the complex interplay between developing theories and changing practices presents the historian with the most challenging of problems. One approach is to begin with the outstanding issues of the day – as, for example, taxation – and to see the political claims and counter-claims in the context of current realities. In England the stated ecclesiastical beliefs of this period, however clear their connections with broad patterns of thought, stemmed very largely from, and are often best seen in relation to, considerations of immediate practical questions. A study of Winchelsey's political career can be seen as a possible starting-point for a deeper comprehension of the whole issue of the co-existence of *spiritualia* and *temporalia*.

The sacerdotalist beliefs of the archbishop emerge as consistent and coherent. This is not the case with the beliefs of those who did not support his point of view. For their attitude the evidence is piecemeal and often indirect. An analysis is needed, more detailed than has been possible here, of the ecclesiastical standpoint, not only, if it can be brought into focus, of Edward I and Edward II *in propriis personis*, but more especially of their governments, consisting largely as they did of churchmen, of all ranks. It is a study which must be undertaken outside the limits of the political life of one prelate – though a full investigation of the career of the royal servant Bishop Walter Langton, for example, would surely prove illuminating. The king's supporters must certainly have believed that the interests of the realm required the clergy to abandon some elements of their liberty, some aspects of their claim

² For three major studies see Kantorowicz, *King's Two Bodies*, Ullmann, *Principles of Government and Politics* and Post, *Studies in Medieval Legal Thought*.

³ See two recent important contributions: G. Leff, 'The apostolic ideal in later medieval ecclesiology', *Journal of Theological Studies*, xviii (1967), 58–82 and W. Ullmann, 'Boniface VIII and his contemporary scholarship', *Journ. of Theol. Studies*, xxvii (1976), 58–87.

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to separate status. Winchelsey's fight was against *all* lay encroachments upon ecclesiastical rights. Even so, and despite the increasing influence of Roman law and civil lawyers, we should be cautious in our use of the labels 'lay' or 'secular' to describe the views of the supporters of the Crown. The strength of Winchelsey's voice and the extent of his influence, for example among the regulars and the lower clergy, must not in themselves persuade us that he and his like alone had ecclesiastical interests at heart.

While this book is often concerned with relations between ecclesiastical and royal jurisdictions, it has not been possible to deal in any comprehensive way with all the questions arising from the existence of two systems of law, not even with all the grievances which the clergy under Winchelsey's leadership presented to the Crown. While there are important studies relating, for instance, to regalian rights, caption following excommunication, writs of prohibition and criminous clerks,⁴ much more work remains to be done. In political terms some issues were naturally more important than others. A thorough investigation of the working together of the two laws in the late thirteenth and early fourteenth centuries would have important questions to consider, for there was, in some respects at least, a distinct increase in the aggression of royal government towards ecclesiastical jurisdiction early in the 1290s, at about the time that Winchelsey – and Boniface VIII – came to office. In writings concerned with the operations of royal and ecclesiastical courts and with the king's relationship with his Church there is frequently talk, not without some justification, of co-operation and *contenementum*.⁵ But one thing must be stressed without equivocation: Robert Winchelsey's attempts to prevent further erosion, as he saw it, of ecclesiastical rights can in the final analysis only be seen in terms of struggle and conflict. The dispute was not a narrow one concerned merely with legal procedures. It was a political, and ideological, dispute about the cure of souls and the social and constitutional standing of the Church and the

⁴ E.g. Howell, *Regalian Right*, Logan, *Excommunication*, Flahiff, 'Use of prohibitions by clerics', and idem, 'Writ of prohibition to court christian' and Cheney, 'Punishment of felonous clerks'. For a broad and useful survey see Jones, 'Relations of two jurisdictions'.

⁵ See Jones, 'Relations of two jurisdictions', pp. 80–2 and Powicke, *Henry and Lord Edward*, pp. 713–18.

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priesthood. This is demonstrated not simply by the events of 1297, the year of crisis, but by an examination of the whole relationship of the archbishop with the Crown. Fundamental principles were in question.